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13 Attorneys for ZIGBEE ALLIANCE
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15 IN THE UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17 IP CO., LLC and SIPCO, LLC,

18 Plaintiffs,

19 v.

20 CELLNET TECHNOLOGY, INC.,
21 TROPOS NETWORKS, INC., HUNT
TECHNOLOGIES, LLC and B&L TECH
22 COMPANY, INC.,

23 Defendants.
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CASE NO. 08-mc-80126-MMC

Civil Action File No.
1:06-CV-3048-JEC
United States District Court
For the Northern District of Georgia

**DECLARATION OF SKIP ASHTON IN
SUPPORT OF NON-PARTY ZIGBEE
ALLIANCE'S OPPOSITION TO MOTION
TO COMPEL PRODUCTION OF
DOCUMENTS AND REQUEST FOR
SANCTIONS**

Date: August 13, 2008
Time: TBD
Court: Hon. Maxine M. Chesney

1 I, Skip Ashton, declare as follows:

2 1. I am the Vice President of Engineering of Ember Corporation ("Ember"). This
3 Declaration is made in support of ZigBee's Opposition to the Motion to Compel Production of
4 Documents filed by IP Co., LLC ("IPCO") and SIPCO, LLC ("SIPCO") (collectively, "IPCO"). I
5 have personal knowledge of the statements herein and could competently testify thereto.
6

7 2. I am the Chairman of the ZigBee Alliance ("ZigBee") Architectural Review
8 Counsel. ZigBee is an association of companies working together to enable reliable, cost-
9 effective, low-power, wirelessly networked, monitoring and control products based on an open
10 global standard. Ember has been a member of ZigBee since 2002. Ember is a key promoter and
11 member on the Board of ZigBee. Because of its litigious nature, IPCO was perceived as a threat
12 to bring litigation against ZigBee and/or its members.
13

14 3. To aid ZigBee's counsel DLA Piper US LLP ("DLA Piper") in its review of
15 IPCO's patent portfolio including US Pat. Nos. 6,044,062 (the "'062 Patent") and 6,249,516 (the
16 "'516 Patent") (collectively, the "Reexamination Patents"), I communicated with ZigBee, ZigBee
17 members, DLA Piper and Gallitano & O'Connor LLP ("G&O"), who is also counsel to ZigBee.
18

19 4. I understood at the outset of the communications with ZigBee, ZigBee's members,
20 DLA Piper and G&O that all communications regarding IPCO and the Reexamination Patents
21 were confidential and related to analyzing a legal position for ZigBee on behalf of its members.
22

23 5. I did not share the content of any such communications between myself, DLA
24 Piper, G&O, ZigBee and ZigBee's members with anyone outside of ZigBee, ZigBee's members,
25 or their counsel or for any purpose unrelated to a legal analysis of the defense of claims alleged
26 by IPCO.

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1 I declare under penalty of perjury that the foregoing is true and correct and that this Declaration
2 was executed on July 9th 2008 in Buxton, Massachusetts.

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6 Skip Ashton
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